

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                               |   |                             |
|-------------------------------|---|-----------------------------|
| GEORGE A. JACKSON, et al.,    | ) |                             |
|                               | ) |                             |
| Plaintiffs,                   | ) |                             |
|                               | ) |                             |
| v.                            | ) | Civil Action No. 05-823 KAJ |
|                               | ) |                             |
| STANLEY TAYLOR, JOYCE TALLEY, | ) |                             |
| TONY FIGARIO, and CARL ANSON, | ) |                             |
|                               | ) |                             |
| Defendants.                   | ) |                             |

**SUPPLEMENTAL SERVICE ORDER**

WHEREAS, plaintiffs filed a motion for leave to amend the complaint to add ten new defendants (D.I. 117);

WHEREAS, "[a]fter amending once or after an answer has been filed, the plaintiff may amend only with leave of the court or the written consent of the opposing party, but 'leave shall be freely given when justice so requires.'" *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000) (quoting Fed. R. Civ. P. 15(a));

WHEREAS, the court has identified what appear at this time to be cognizable claims within the meaning of 28 U.S.C. § 1915A(b) against the proposed newly added defendants;

NOW THEREFORE, IT IS HEREBY ORDERED this 10<sup>th</sup> day of October, 2006 that:

1. The clerk of the court shall cause a copy of this order to be mailed to plaintiffs.
2. The motion for leave to file an amended complaint (D.I. 117) is GRANTED

and the amended complaint is filed instanter.

3. Pursuant to Fed. R. Civ. P. 4(c)(2) and (d)(2), the plaintiff shall complete and return to the Clerk of the Court an **original** "U.S. Marshal-285" form for the newly added defendants **Michael Knight, Chris Senato, Joseph Atkins, Debbie Melvin, Richard Cockett, Richard Manuel, Darrell Mullins, Wenston White, Steven Raynor, and Bethany Evans**, as well as for the Attorney General of the State of Delaware, 820 N. FRENCH STREET, WILMINGTON, DELAWARE, 19801, pursuant to DEL. CODE ANN. tit. 10 § 3103(c). **Additionally, plaintiffs shall provide the court with one copy of the complaint (D.I. 2) and the amended complaint (D.I. 117), for service upon each newly added defendant. Furthermore, plaintiffs are notified that the United States Marshal will not serve the complaint and amended complaint until all "U.S. Marshal 285" forms have been received by the Clerk of the Court. Failure to provide the "U.S. Marshal 285" forms for each newly added defendant and the attorney general within 120 days of this order may result in the complaint being dismissed or defendants being dismissed pursuant to Federal Rule of Civil Procedure 4(m).**

4. Upon receipt of the form(s) required by paragraph 3 above, the United States Marshal shall forthwith serve a copy of the complaint (D.I. 2), the amended complaint (D.I. 117), the court's orders dated February 28, 2006 (D.I. 71). March 6, 2006 (D.I. 74), May 12, 2006 (D.I. 102), this order, a "Notice of Lawsuit" form, the filing fee order(s), and a "Return of Waiver" form upon each of the newly added defendants so identified in each 285 form.

5. Within **thirty (30) days** from the date that the "Notice of Lawsuit" and "Return of Waiver" forms are sent, if an executed "Waiver of Service of Summons" form has not been received from a defendant, the United States Marshal shall personally serve said defendant(s) pursuant to Fed. R. Civ. P. 4(c)(2) and said defendant(s) shall be required to bear the cost related to such service, unless good cause is shown for failure to sign and return the waiver.

6. Pursuant to Fed. R. Civ. P. 4(d)(3), a defendant who, before being served with process timely returns a waiver as requested, is required to answer or otherwise respond to the complaint within **sixty (60) days** from the date upon which the complaint, this order, the "Notice of Lawsuit" form, and the "Return of Waiver" form are sent. If a defendant responds by way of a motion, said motion shall be accompanied by a brief or a memorandum of points and authorities and any supporting affidavits.

7. No communication, including pleadings, briefs, statement of position, etc., will be considered by the court in this civil action unless the documents reflect proof of service upon the parties or their counsel.

8. **Note:** \*\*\* When an amended complaint is filed prior to service, the court will **VACATE** all previous service orders entered, and service **will not take place**. An amended complaint filed prior to service shall be subject to re-screening pursuant to 28 U.S.C. §1915(e)(2) and § 1915A(a). \*\*\*

9. **Note:** \*\*\* Discovery motions and motions for appointment of counsel filed prior to service will be dismissed without prejudice, with leave to refile following service.

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UNITED STATES DISTRICT JUDGE